



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY NEWS RELEASE

Department of Toxic Substances Control

T - 77 - 04

For Immediate Release
December 9, 2004

Contact: Jeanne Garcia
818.551.2176
Ron Baker
916.324.3142

Note: A previous press release issued by DTSC on November 29, 2004, inadvertently included the violation: "Exceeding authorized treatment capacity for at least three years," that should not have been included. DTSC did not allege this violation in the Complaint or the Judgment which were the subjects of the release.

\$400,000 Settlement Reached with Filter Recycling Services, Inc.

Los Angeles --- The California Department of Toxic Substances Control (DTSC) today announced that the Superior Court has approved a \$400,000 Judgment Pursuant to Stipulation (Judgment) with Filter Recycling Services, Inc. (FRS) for hazardous waste management and shipping violations occurring at its facility located at 180 West Monte Avenue in Rialto, San Bernardino County. Also listed as defendants in the Judgment were Integrated Waste Management, Inc. (IWM) and Jon Bennett, Jr.

Under terms of the Judgment, signed on October 27, 2004, FRS will pay a total of \$400,000, of which \$187,500 is an administrative penalty and \$150,000 is reimbursement of costs incurred by DTSC. FRS will also pay \$62,500 to the San Bernardino County Hazardous Materials Responders Association as a Supplemental Environmental Project.

"Proper storage, treatment and disposal of hazardous waste are central to protecting the health of Californians. The actions related to Filter Recycling Services are an important step forward toward this goal. We are pleased that they are willing to work with us to correct these violations," said B.B. Blevins, Director of DTSC.

The Judgment contains, among other things, the following compliance conditions:

- FRS shall not engage in activities that require the owner or operator to obtain a Resource Conservation and Recovery Act (RCRA) permit for the treatment, storage, or disposal of hazardous waste
- FRS shall not accept any shipment or container of hazardous waste that is clearly recognizable as containing a RCRA regulated hazardous waste
- As a transporter, FRS shall not transfer hazardous waste to IWM nor will FRS receive hazardous waste from IWM for further transportation. However, as a facility FRS may accept waste delivered by IWM

In addition, on each occasion that FRS represents to a generator or broker that wastes are being recycled and FRS intends or expects that the waste will be used solely as alternative daily cover at a landfill and/or placed in or on land, FRS is required to issue a statement to the generator describing the intended or likely disposition of the waste.

The Civil Complaint (Complaint) and subsequent Judgment were in part based on violations observed by DTSC inspectors during inspections at the FRS facility and identified during investigations of the defendants from April 1997 through August 2004.

The Complaint alleged that the defendants committed a number of violations, including the following:

- Accepting 18 drums of RCRA plating waste
- Accepting drums containing non-empty aerosol cans
- Accepting wastes described as RCRA waste on 16 manifests
- Storing hazardous waste longer than 10 days during the course of transportation
- Making false statements on manifests both received and sent

FRS has agreed to correct the violations found during DTSC's inspections and investigations.

#

The Department of Toxic Substances Control's mission is to restore, protect, and enhance the environment and ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.